

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Inquiry Concerning the Deployment
of Advanced Telecommunications
Capability to All Americans in a
Reasonable and Timely Fashion and,
Possible Steps to Accelerate Such
Deployment Pursuant to Section 706
of the Telecommunications Act of 1996

CC Docket no. 98-146

**THIRD NOTICE OF INQUIRY
REPLY COMMENTS OF
THE AMERICAN FOUNDATION FOR THE BLIND**

October 8, 2001

I. Introduction

The American Foundation for the Blind submits the following reply comments in response to views expressed on the Commission's most recent notice of inquiry (CC Docket 98-146, released August 10, 2001) on the state of deployment of advanced telecommunications services and the Federal Communications Commission's role in implementation of Section 706 of the 1996 Telecommunications Act. AFB is a leading national resource for people who are blind or visually impaired, the organizations that serve them, and the general public. The mission of the American Foundation for the Blind is to enable people who are blind or visually impaired to achieve equality of access and opportunity that will ensure freedom of choice in their lives.

AFB has filed comments with respect to previous Section 706 proceedings noting both the slowness of the deployment of broadband in the general market and the steps needed to insure that current and future deployment of such technologies do not have barriers that prevent people who are blind or visually impaired from having the reasonable and timely access to advanced telecommunications technology contemplated by Section 706.

We note and commend the process begun by some manufacturers and service providers covered by Section 255 of the Telecommunications Act of 1996 to develop equipment and services in conformance with the Commission's regulations implementing that section. Unfortunately, we must repeat what we have said in previous comments related to Section 706: people who are blind or visually impaired are being left out of the advanced telecommunications revolution.

Among the comments, two recurring issues are of concern the AFB: the state of deployment for advanced telecommunications capability; and, with the exceptions of the joint comments of the Alliance for Public Technology and the World Institute on Disability and the comments of the National Association of the Deaf, a general lack of concern on the part of advanced telecommunications providers with respect to any customers with disabilities.

II DISCUSSION: IS ADVANCED TELECOMMUNICATIONS CAPABILITY BEING DEPLOYED TO INDIVIDUALS WITH DISABILITIES?

We appreciate that the Commission has taken the step of asking for additional data on categories of customers for whom the Commission does not have specific data on access to advanced services. (1) In addition, the Commission has also asked for comment on the continued usefulness of the criteria or supplements to the Form 477 data. (2)

AFB has reviewed the Local Competition and Broadband Reporting Form (Form FCC 477. It is not readily notable that any information with regard to persons with disabilities in general or persons who are blind or visually impaired could be reflected through the data elements contained in this form. Steps should be taken to include questions within the structure of Form 477 with respect to disability access. We ask that you consider the following approach. We note that much of the comparative analysis cited by the Commission in the Third Notice of Inquiry is zip code based. We suggest that it may be possible to derive some comparative data, compared through this zip code based data, on the availability of such services to people with disabilities through Census Supplementary Surveys which collect information on self-reported sensory disabilities and through Census 2000 which does contain more general information with regard to people with disabilities. Analysis of this data could provide a basis for formulating structured questions regarding disability access for addition to Form 477.

While such comparative analysis will yield useful data on availability of advanced telecommunications in locations where people with disabilities live, it probably will not yield much which will be of use with respect to ability to access these services. For people who are blind or visually impaired access will not be related strictly to measuring the deployment of the physical components of the network infrastructure or indeed any of the total variety of network architectures and transmission media that deliver advanced telecommunications capabilities.

For the user who is blind or visually impaired, it is the user interface which will create the platform for accessibility and it is lack of accessibility for these interfaces which can prevent access to advanced telecommunications.

(1) paragraph 21 NOI

(2) paragraph 18 NOI

We must remind the Commission that the extent to which people who are blind can access the range of telecommunications services is very narrowly defined in the Telecommunications Amendments of 1996. For example, telecommunications manufacturers and providers of related services are routinely announcing new hand-held products which contain on-screen Internet access functions residing along with the wireless phone function of the product. Access to the full user interface, under the current regulatory requirements, remains unreachable and unusable for people who are blind. We have pointed out to the Commission in our earlier filed comments that the issue of access takes on even greater urgency as older services, even those which are narrowly defined as services for the purpose of Section 255, migrate to the newer and more robust realm of advanced telecommunications.

Proper comparison of data from Form 477 and Census data can assist the Commission in analyzing whether or not pipelines to home, offices and schools are robust enough to move services in areas where people with disabilities need to use them. That will be important and we encourage the Commission to examine how such data relation can be undertaken. That is not the same as measuring access.

III ASSESSMENT OF ACCESS TO ADVANCED TELECOMMUNICATIONS BY PERSONS WITH DISABILITIES

Effective assessment of access to advanced telecommunications capabilities must take into account controls, menus, and transaction confirmation functions of new devices and, especially for the purposes of this notice, the functions of these devices which will reside increasingly within the advanced telecommunications network. However, much of the access will depend upon deployment of accessible features which are currently required, if readily achievable, by Section 255 of the Telecommunications Act of 1996. Assessment of deployment of these Section 255 required features should be an integral part of measurement of access to advanced telecommunications. For example, users who are blind should be able to tell whether the device is on or off through some other indication than what is displayed on the screen. A user who is blind also needs access beyond simple on screen status indicators that there is a connection to the network, the quality of the connection, and whether or not there is sufficient battery power to proceed through all the desired functions. Deployment of a network having the capability provide for advanced switching software governing selection of services will mean little to a person who cannot access device controls and use them to command relevant functions.

In further response to the Commission' request for suggestions on data collection with regard to the category of persons with disabilities, we suggest that the Commission examine the possibility of establishing a project within the Federal-State Joint Conference on Advanced Telecommunications Services which would develop a base for assessment of the access issues we describe. The Conference could begin this process through a series of field hearings which could be used to establish a hearing record on access barriers targeted in those areas which currently enjoy a useful penetration of advanced telecommunications services.

IV FURTHER RECOMMENDATIONS

The Commission should use the data developed from these recommendations to begin the process of rethinking the categorization of current definitions of telecommunications services to incorporate the broadband technology revolution now that it is become daily more apparent that many of the services previously classified as "advanced" are, for everyone, now in the nature of a basic telecommunications service.

Respectfully Submitted,

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